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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,635	02/01/2001	Junichi Kosugi	WN-2300	3066

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EXAMINER

NGUYEN, LEE

ART UNIT PAPER NUMBER

2682

DATE MAILED: 10/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,635

Applicant(s)

KOSUGI, JUNICHI

Examiner

LEE NGUYEN

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The Ids filed 10/8/2002 has been considered and recorded in the file.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP Publication 11-112416, referred to as Publication'416 hereinafter.

Regarding claims 6-7, the Publication'416 teaches a radio communication system comprising a base station and a mobile station, said base station transmitting a data signal to said mobile station through a forward channel and transmitting one of a first

power control signal indicating the positive of a received signal from said mobile terminal a second power control signal indicating the negative of said received signal in accordance with the positive or negative of said received signal in accordance with the positive or negative of said received signal, said mobile terminal for transmitting a data signal to said base station through a first reverse channel indicating an existing traffic channel and a second reverse channel indicating a traffic channel added for data communication and controlling an operation to increase a transmission power of the data signal to be transmitted to said base station when said second power control signal is received; wherein said mobile terminal comprises: a receiving unit for receiving said first and second power control signals; a transmission signal of said reverse channel based on said first and second power control signals which are received by said receiving unit; and a transmission control unit for monitoring whether or not a value of the transmission power controlled by said transmission power control unit exceeds a predetermined maximum value and transmitting the data signal to said base station only through said first reverse channel when said transmission-power

value reaches said maximum value (see the translation of citation 1 submitted by Applicant). Publication'416 only differs from the claimed invention in that said maximum value of the transmission power is continuously detected for a predetermined time. However, according to the Publication'416, transmission through only the first reverse channel once the transmission power value reaches the maximum value. From the point in time that the transmission power reaches the maximum value and the following time thereafter as long as the maximum value is reached, one having skilled in the art would recognize that the Publication's416 still transmits data using only the first reverse channel because the transmission power does not fall below the maximum value. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the continuous detection of the maximum value of the transmission power to the mobile terminal of the Pulication'416 in order to prevent continuously switching between the two modes of using one primary channel and both the primary and secondary reverse channels, thereby reducing the difficulty of data detection at

the base station. The Publication'416 as modified teaches the counter for counting the time after the maximum.

Regarding claim 8, the Publication'416 also teaches the main and auxiliary channels (see the translation).

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP Publication 11-112416, referred to as Publication'416 hereinafter in view of Kong et al. (US 2003/0128674).

Regarding claim 1, the claim is interpreted and rejected for the same reason as set forth in claim 6. Publication'416 only differs from the claimed invention in that the second power control signal is continuously received for a predetermined time. In an analogous art, Kong teaches that if the count value of the power down power control bit PCP, which is equivalent to the claimed power control bit "1", within a predetermined time duration exceeds a predetermined value, the decision may generate the control signals to decrease the present channel data rate, which is similar to the claimed first reverse channel (see [0055]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include

the continuous detection of the second power control signal of Kong to the mobile terminal of the Publication'416 in order to prevent continuously switching between the two modes of using one primary channel and both the primary and secondary reverse channels, thereby reducing the difficulty of data detection at the base station.

Regarding claim 2, the claimed power control bit "0" is similar to the power up PCP of Kong.

Regarding claim 3, Publication'416 as modified by Kong also teaches the reading of the PCB "0" and "1", see [0055] in Kong.

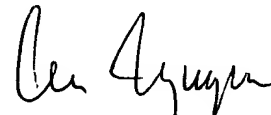
Regarding claim 4, Publication'416 as modified by Kong also teaches the counter as claimed [0055] of Kong.

Regarding claim 5, Publication'416 also teaches the two channels as claimed (see the translation of Publication'416).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

 9/25/03
LEE NGUYEN
Primary Examiner
Art Unit 2682